

1 TIMOTHY B. ROTE, 184781  
2 THE COCHRAN FIRM,  
3 2014 TULARE, #604  
4 FRESNO, CALIFORNIA 93721  
5 TELEPHONE: (800) 887-0000

6 ATTORNEY FOR DEFENDANT

7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9 UNITED STATES OF AMERICA ) CR. NO. 05-0022 AWI

10 v. )

11 JOSHUA HICKMAN, ) STIPULATION TO VACATE THE JURY  
12 CHARLES JOSEPH BARRETT, ) TRIAL CURRENTLY SET FOR JANUARY 10,  
2006 AND SET THE MATTER ON  
CALENDER FOR A TRIAL SETTING  
CONFERENCE ON JANUARY 9, 2006  
AT 9 A.M., and ORDER

13 TO ALL PARTIES AND THEIR ATTORNEYS:

14 TO THE HONORABLE JUDGE PRESIDING HEREIN:

15 **IT IS HEREBY STIPULATED** by and between attorneys for the respective parties  
16 herein that good cause exists to vacate the jury trial currently scheduled to begin on **January 10,**  
17 **2006.** The parties agree to place the matter on the Court's Calendar for a Trial Setting  
18 Conference on January 9, 2006 at 9:00 a.m.

19 Counsel for each party agrees that this request to continue the jury trial is appropriate  
20 because a necessary and indispensable defense witness, Brent Gordon is out of the country and  
21 unavailable during the month of January. Mr. Gordon is the only person who can provide  
22 specific, relevant, factual evidence the Defendant believes is crucial to a fair hearing in this case.

23 Furthermore, there have been additional negotiations seeking an appropriate resolution in  
24 this case. A short continuance may benefit these efforts as well.

25 Counsel for Defendant Barrett has spoken with Assistant U. S. Attorney, STANLEY A.  
26 BOONE, who is agreeable to this requested Order.  
27  
28

1 DATED: December 27, 2005

2 Respectfully submitted,

3 THE COCHRAN FIRM

4 By: /s/ Timothy B. Rote

5 TIMOTHY B. ROTE

6 Attorney for Defendant,

7 CHARLES BARRETT

8 DATED: December 21, 2005

9 /s/ Stanley A. Boone

10 STANLEY A. BOONE

11 Assistant U.S. Attorney

12 **ORDER**

13 Good Cause Appearing, **IT IS ORDERED:** that the jury trial currently scheduled to begin on  
14 **January 10, 2006** is vacated. The matter is placed on the Court's Calendar for a Trial Setting  
15 Conference on January 9, 2006 at 9:00 a.m.

16  
17 IT IS SO ORDERED.

18  
19 **Dated: January 4, 2006**

20 /s/ Anthony W. Ishii

21 0m8i78

22 UNITED STATES DISTRICT JUDGE